

**FILED**

**AUG 15 2014**

Clerk, U.S. District Court  
District Of Montana  
Helena

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**ATTORNEY FOR PLAINTIFF  
UNITED STATES OF AMERICA**

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MONTANA  
BUTTE DIVISION**

**In the Matter of the Search of  
Content and records relating to  
Facebook accounts 100001346961565  
and 100006423751999, stored at  
premises owned, maintained,  
controlled, or operated by Facebook,  
Inc., 1601 California Ave., Palo Alto,  
CA 94394.**

**MJ 14-**

**MOTION FOR NONDISCLOSURE  
ORDER FOR FACEBOOK, INC.**

***UNDER SEAL***

The United States, through Bryan R. Whittaker, Assistant U.S. Attorney, requests this Honorable Court to prohibit Facebook, Inc. from disclosing the existence of a grand jury subpoena or court order on the above-described account and states as follows:

1. Absent a court order, Facebook, Inc. contacts users when legal process is served on a user's account.
2. Title 18, United States Code, Section 2705(b) permits a court to issue an order precluding a provider such as Facebook, Inc. from notifying any person of the existence of such a grand jury subpoena or court order for a period of time as the Court sees fit. The Court shall enter the order if it determines that there is reason to believe that notification of the existence of the warrant or court order will result in, inter alia, flight from prosecution, destruction of or tampering with evidence, or otherwise seriously jeopardizing an investigation.
3. In this case, such an order under 18 U.S.C. § 2705(b) would be appropriate because the attached subpoena relates to an ongoing criminal investigation that is neither public nor known to all of the targets of the investigation, and its disclosure may alert the targets to the ongoing investigation.

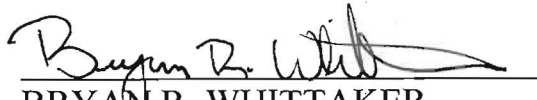
Accordingly, there is reason to believe that notification of the existence of the attached subpoena will seriously jeopardize the investigation, including by giving targets an opportunity to flee or continue flight from prosecution, destroy or tamper with evidence, change patterns of behavior, or notify co-conspirators. See 18 U.S.C. § 2705(b)(2), (3), (5). Some of the evidence in

this investigation is stored electronically. If alerted to the investigation, the subjects under investigation could destroy that evidence, including information saved to their personal computers.

4. To fully complete its investigation the United States seeks an Order directing Facebook, Inc. not to disclose the existence or content of the attached subpoena and Order for a period covering 180 days.

DATED this 5<sup>th</sup> day of August, 2015.

MICHAEL W. COTTER  
United States Attorney

  
BRYAN R. WHITTAKER  
Assistant U.S. Attorney  
Attorney for Plaintiff